Response Dated: March 29, 2006 Reply to Office Action of March 1, 2006

Docket No.: 75028-309286

Page 2

## **Listing of Claims:**

- 1. (Original) A portal for use in a spinal implantation procedure comprising:
  - a base;
  - a first paddle that is pivotally coupled to the base; and
- a second paddle that is pivotally coupled to the base, wherein the first paddle and the second paddle are dimensioned to fit in a disc space between two adjacent vertebrae of a spine of a patient.
- 2. (Original) The portal as in claim 1, wherein the first paddle has a height in the range of 4 to 18 mm, and the second paddle has a height in the range of 4 to 18 mm.
- 3. (Original) The portal as in claim 1, further comprising a first pivot hinge that connects the first paddle to the base, and a second pivot hinge that connects the second paddle to the base.
- 4. (Original) The portal as in claim 1, wherein the first paddle is coupled to one end of the base, and the second paddle is coupled to the opposite end of the base.
- 5. (Original) The portal as in claim 4, wherein the first paddle and the second paddle are connected to the base such that the first paddle and the second paddle may be pivoted between an open position and a closed position, wherein, in the closed position the first paddle and the second paddle are both approximately parallel to the base, and in the open position the first paddle and the second paddle are both approximately perpendicular to the base, such that the portal is configured to distract the two adjacent vertebrae apart when the first paddle and the second paddle are in the open position.

Response Dated: March 29, 2006

Reply to Office Action of March 1, 2006

Docket No.: 75028-309286

Page 3

6. (Original) The portal as in claim 1, wherein the first paddle has rounded corners, and

the second paddle has rounded corners.

7. (Original) The portal as in claim 1, wherein edges of the first paddle have surface

irregularities, and edges of the second paddle have surface irregularities.

8. (Original) The portal as in claim 7, wherein the surface irregularities of the first

handle comprise serrations, and the surface irregularities of the second handle comprise

serrations.

9. (Original) The portal as in claim 1, wherein the first paddle comprises a first lordotic

paddle, and the second paddle comprises a second lordotic paddle.

10. (Original) The portal as in claim 1, wherein the first paddle comprises a first

radiolucent paddle, and the second paddle comprises a second radiolucent paddle.

11. (Original) A portal for use in distracting adjacent vertebrae, the portal comprising:

first and second paddles, the paddles having heights sized to correspond to a desired

distraction spacing between the adjacent vertebrae, and thicknesses sized to permit insertion

of the paddles between the vertebrae prior to distraction of the adjacent vertebrae; and

a bridge member that spans a distance between the first and second paddles, the first

and second paddles being moveable relative to the bridge between a closed position and an

open position, wherein the paddles are adapted for insertion between the adjacent vertebrae

prior to distraction when in the closed position, and the paddles are adapted to maintain the

desired distraction spacing between the adjacent vertebrae when in the open position.

12. (Original) The portal of claim 11, wherein the paddles each move from a less upright

position to a more upright position when pivoted from the closed position to the open

Response Dated: March 29, 2006 Reply to Office Action of March 1, 2006

Docket No.: 75028-309286

Page 4

position.

- 13. (Original) The portal of claim 11, wherein the paddles each include major surfaces that face towards the bridge member when the paddles are in the closed position, and that face toward each other when the paddles are in the open position.
- 14. (Original) The portal of claim 11, wherein the paddles and the bridge member cooperate to define a portal window when the paddles are in the open position, the portal window defining a sight line into an intervertebral space defined between the adjacent vertebrae.
- 15. (Original) The portal of claim 14, wherein the paddles include distracter potions that project outwardly from the bridge member in a direction that extends along the sight line of the portal window.
- 16. (Original) The portal of claim 11, wherein the heights of the paddles are in the range of 4-18 mm, and the thicknesses of the paddles are in the range of 1-2 mm.
- 17. (Original) The portal of claim 11, wherein the paddles are generally parallel to the bridge member when in the closed position, and generally perpendicular to the bridge member when in the open position.
- 18. (Original) A portal for use in a spinal implantation procedure comprising:
  - a base having a length between a first end and an opposite second end;
- a first paddle sized to fit in a disc space between two vertebrae, the first paddles having a first edge, a second edge, and a third edge, and a fourth edge, wherein the first edge is approximately parallel to the second edge, the third edge is approximately parallel to the fourth edge, and the first edge is approximately perpendicular to the third edge, wherein the

FROM FAEGRE & BENSON

AN: 10/663,212

Response Dated: March 29, 2006
Reply to Office Action of March 1, 2006

Docket No.: 75028-309286

Page 5

first paddle has a width between the third edge and the fourth edge, and a length between the first edge and the second edge, wherein the first paddle is pivotally coupled to the first end of the base and is pivotally movable between a first position and a second position, and wherein the first paddle is approximately parallel to the base when the first paddle is in the first paddle is in the first paddle is in the second position;

a second paddle sized to fit in the disc space between two vertebrae, the second paddle having a first edge, a second edge, a third edge, and a fourth edge, wherein the first edge of the second paddle is approximately parallel to the second edge of the second paddle, the third edge of the second paddle is approximately parallel to the fourth edge of the second paddle, and the first edge of the second paddle is approximately perpendicular to the third edge of the second paddle, wherein the second paddle has a width between the third edge and the fourth edge, and a length between the first edge and the second edge, wherein the second paddle is pivotally coupled to the second end of the base, and the second paddle is pivotally movable between a first position and a second position, wherein the second paddle is approximately parallel to the base when the second paddle is in the first position, and the second paddle is approximately perpendicular to the base when the second paddle is in the second paddle is in the second position.

- 19. (Original) The portal as in claim 18, wherein the first paddle and the second paddle are approximately parallel to each other when the first paddle and the second paddle are in the second position.
- 20. (Original) The portal as in claim 18, wherein portal has a spacing of 11-33 mm between the paddles when the paddles are open, and wherein the paddles each have a height in the range of 4-18 mm, a distraction length in the range of 12-30, and a thickness in the range of 1-2 mm.

Response Dated: March 29, 2006 Reply to Office Action of March 1, 2006

Docket No.: 75028-309286

Page 6

- 21. (Original) A spinal distractor system comprising: a flip-up portal comprising a base, a first paddle, and a second paddle, the first paddle and the second paddle being movable between open and closed positions, the first and second paddles being approximately parallel to the base when in the closed position and the first and second paddles being approximately perpendicular to the base when in the open position; and an actuator for insertion of the flip-up portal into a disc region between two vertebrae, the actuator including at least one handle that is rotated to move the first and second paddles from the closed position to the open position.
- 22. (Original) The spinal distractor system as in claim 21, wherein the actuator further comprises: a first receiver for receiving an end of the first paddle, and a first shaft that connects the first receiver to the first handle; a second receiver for receiving an end of the second paddle, and a second shaft for connecting the second receiver to the second handle; and a collar that couples the first and second shafts together.
- 23. (Withdrawn) A method of distraction of a disc space between adjacent vertebrae of a spine of a patient for a surgical procedure, comprising: inserting a flip-up portal into the disc space while the portal is in an insertion orientation; and expanding the portal to a distraction orientation in which the portal separates the vertebrae and provides a portal window for accessing the disc space.
- 24. (Withdrawn) The method of claim 23, wherein the portal includes a bridge member and two paddles connected to the bridge member, and wherein the portal is moved from the insertion orientation to the distraction orientation by moving the paddles relative to the bridge member.
- 25. (Withdrawn) The method of claim 24, wherein the paddles are moved from a less upright orientation to a more upright orientation when the portal is moved from the insertion

Response Dated: March 29, 2006 Reply to Office Action of March 1, 2006

Docket No.: 75028-309286

Page 7

orientation to the distraction orientation.

- 26. (Withdrawn) The method of claim 24, wherein the paddles are generally co-planar when the portal is in the insertion orientation.
- 27. (Withdrawn) The method of claim 24, wherein the paddles project a first distance from the bridge member when the portal is in the insertion orientation and project a second distance from the bridge member when the portal is in the distraction orientation, the first distance being less than the second distance.